PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 9 1996

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS TUESDAY EVENING JANUARY 9, 1996 IN REGULAR SESSION. PRESIDENT DONALD J. SCHMIDT IN THE CHAIR, COUNCIL ATTORNEY _____ AND SANDRA E. KENNEDY, CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS _____ VIZ:

BENDER P, CRAWFORD P, EDMONDS P,
HALL P, HAYHURST P, HENRY P,
LUNSEY P, RAVINE P, SCHMIDT P,

ABSENT: _____

COUNCIL MEMBER

_____, _____,

_____, _____,

THE MINUTES OF THE LAST REGULAR _____ 1996
SPECIAL DECEMBER 19 1996
SPECIAL _____ 1996

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

ROLL CALL

COMMITTEE SESSION

JANUARY 9, 1996

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday **evening** January 9 **199**6 **in Committee Session. President** Donald J. Schmidt**, in the chair, Council Attorney** _____ **and Sandra E. Kennedy City Clerk, at the desk, present the following members** _____ **viz:**

****

BENDER P, **CRAWFORD** P, **EDMONDS** P,

HALL P, **HAYHURST** P, **HENRY** P,

LUNSEY P, **RAVINE** P, **SCHMIDT** P,

****

ABSENT: _____

COUNCIL MEMBER

_____, _____,

_____, _____,

****

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its REGUALR Session, held on 9TH day of JANUARY, 19 96, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of January, 19 96.

Sandra E. Kennedy

City Clerk

ROLL CALL

COMMITTEE SESSION

JANUARY 2, 1996

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday **evening** January 2 **199,** 6 **in Committee Session. President** Donald J. Schmidt **, in the chair, Council Attorney** Phil Sparrone **and Sandra E. Kennedy City Clerk, at the desk, present the following members** nine **viz:**

****

BENDER P **, CRAWFORD** P **, EDMONDS** P **,**

HALL P **, HAYHURST** P **, HENRY** P **,**

LUNSEY P (late) **RAVINE** P **, SCHMIDT** P **,**

****

ABSENT: None

COUNCIL MEMBER

_____, _____,

_____, _____,

****

The City of Fort Wayne

Paul Helmke, Mayor

January 3, 1996

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a portion of public right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-11-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of January 1996.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

G-95-11-20
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Street Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Vacation of the cul-de-sac at the end of Challenger Parkway.

Reason for Project

Right-of-way is no longer needed as the street has been extended to the west.

Discussion (Including relationship to other Council actions)

20 November 1995 - Public Hearing

Robert Ehrenman, attorney, appeared on behalf of the petitioners. He stated that they want to vacate a portion of a cul-de-sac that was dedicated in 1986, but was never constructed. He stated that they are seeking to vacate this portion because Challenger Parkway has been extended beyond the cul-de-sac.

There was no one present who spoke in favor of or in opposition to the proposed vacation.

27 November 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the developer providing utility easements as needed.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion carried.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City of Fort Wayne
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) KSKM Inc & Heritage Inn of Fort Wayne Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

ETAILS

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 9 October 1995

Projected Completion or Occupancy Date 3 January 1996

Fact Sheet Prepared by Date 3 January 1996

Patricia Biancaniello

Reviewed by Date 4 January 1996

Reference or Case Number

KSKM Inc. and H. I. Heritage Inn of Fort Wayne, Inc. request the vacation of a portion of a cul-de-sac on Challenger Parkway.

Location:	Challenger Parkway is located south of Washington Center Road, west of Lima Road.
Legal:	See file
Land Area:	Approximately 0.01 acres
Zoning:	M-1 (Light Industrial)
Surroundings:	This street is located in an M-1 industrially zoned development
Reason for Request:	Right-of-way is no longer needed as the street has been extended to the west.
Neighborhood Assoc.:	None
Comprehensive Plan:	No comment.
Neighborhood Plan:	No comment.

Planning Staff Discussion:

This request to vacate a portion of the existing right-of-way has been filed by two of the abutting property owners. The area is zoned for light industrial uses, but has primarily been developed with hotels and restaurants. The owners have submitted a primary and secondary plat that extends this street to the west and will eventually loop back to an intersection with Washington Center Road.

The petitioners are asking for the vacation of a portion of a cul-de-sac, which portion was never constructed since the street was extended further to the west as shown on the submitted survey.

Staff has no objection to the vacation subject to providing utility easements as needed. The present street construction eliminates the need for this cul-de-sac by relocating it to the west.

Recommendation: Conditional Approval contingent upon the developer providing utility

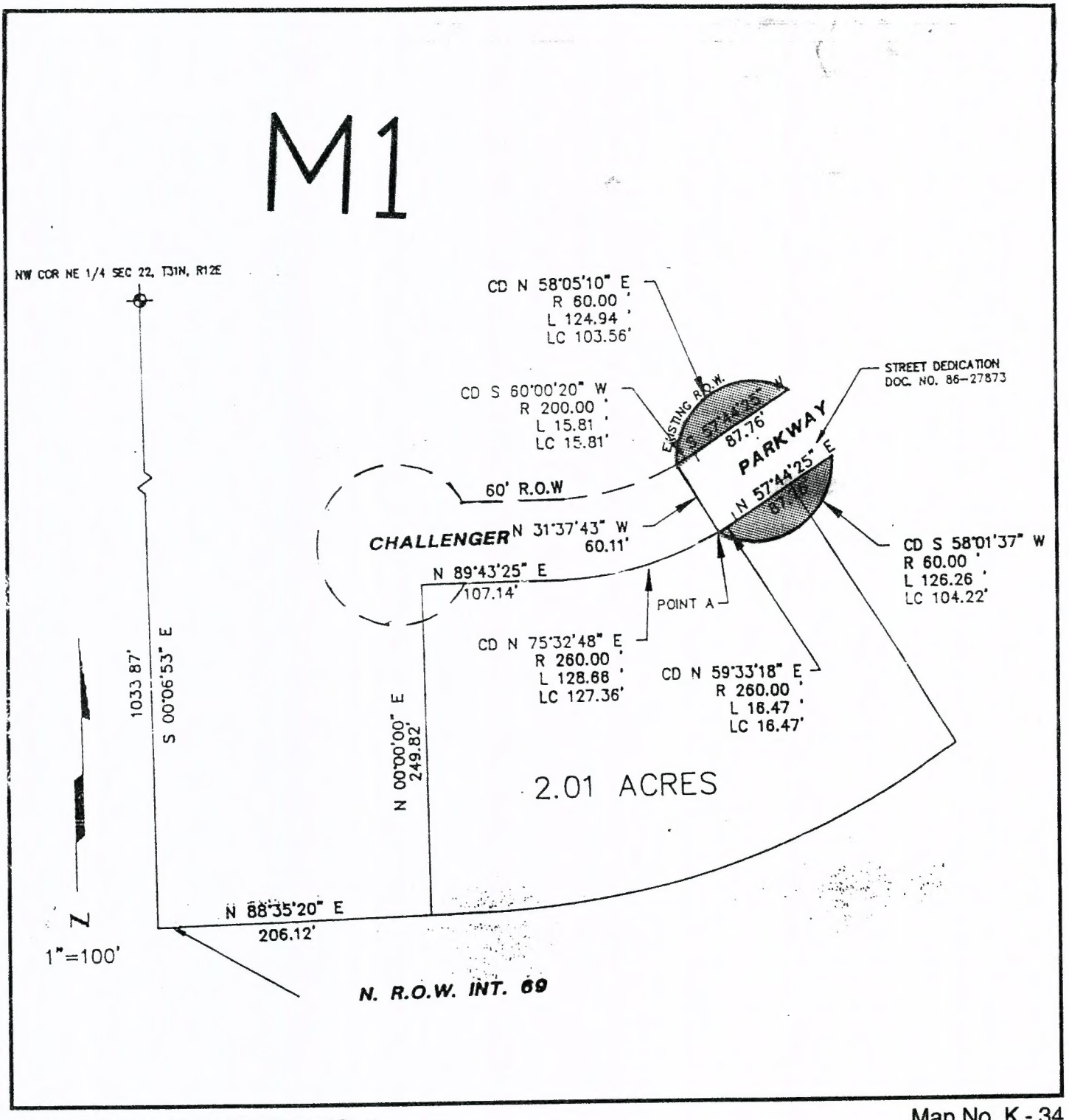
easements as needed, and for the following reasons:

1) Conditions in the area have changed as evidenced by the pending plat of Cross Creek Commons Section I Phase I.

2) The need for this cul-de-sac will be eliminated by relocating it further to the west.

VACATION PETITION

AREA MAP **CASE NO. #599**



COUNCILMANIC DISTRICT NO. 3

Map No. K - 34
LW 10-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION 82-127-7

WHEREAS, KSKM INC and H.I. HERITAGE INN OF FORT WAYNE, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet along a line not tangent to the last described course; thence continuing Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last described course having a radius of 200 feet being subtended a chord having a bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81 feet to the point of beginning, both parcels containing 0.01 acres of land, more or less.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution

adopted by the Fort Wayne Board of Public Works at their meeting held WED, 12/20/95 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 20 DAY OF DECEMBER 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

WHEREAS, KSKM INC and H.I. HERITAGE INN OF FORT WAYNE, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East; thence South 00 degrees 06 minutes 53 seconds East, along the West line of said Northeast Quarter, 1033.87 feet to the North right-of-way of Highway I-69; thence North 88 degrees 35 minutes 20 seconds East, along said right-of-way 206.12 feet; thence leaving said right-of-way, North, 249.82 feet to a point on the South right-of-way line of Challenger Parkway Extended; thence North 89 degrees 43 minutes 25 seconds East, 107.14 feet; thence Northeasterly, 128.66 feet, along a curve deflecting to the left having a radius of 260 feet and being subtended by a chord having a bearing of North 75 degrees 32 minutes 48 seconds East and a length of 127.36 feet to the point of beginning, said point being point A; thence continuing 16.47 feet along said curve deflecting to the left with a chord having a bearing of North 59 degrees 33 minutes 18 seconds East and a length of 16.47 feet; thence North 57 degrees 44 minutes 25 seconds East on a line tangent to the last described curve course 87.76 feet; thence Southwesterly 126.26 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet and being subtended by a chord having a bearing of South 58 degrees 01 minutes 37 seconds West and a length of 104.22 to the point of beginning; together with the following described parcel, commencing at point A in this legal description; thence North 31 degrees 37 minutes 43 seconds West, 60.11 feet to the point of beginning; thence 124.94 feet along a curve deflecting to the right not tangent to the last described course having a radius of 60 feet being subtended by a chord having a bearing of North 58 degrees 05 minutes 10 seconds East and a length of 103.56 feet; thence South 57 degrees 44 minutes 25 seconds West 87.76 feet along a line not tangent to the last described course; thence continuing Southwesterly 15.81 feet along a curve deflecting to the right tangent to the last described course having a radius of 200 feet being subtended a chord having a bearing of South 60 degrees 00 minutes 20 seconds West and a length of 15.81 feet to the point of beginning, both parcels containing 0.01 acres of land, more or less.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 20, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 27, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

REGULATORY RESOLUTION NO. 01/96/E

(Adopted 01/04/96)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION		(EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 12/07/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 01/04/96, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION		(EMERGENCY)
Ardmore Ave.	-stop-	for Sandpoint Rd. (west approach only)

01/96/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/45/95 SHEET 1 OF 1 DATE December 07, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **STOP INTERSECTION**

Please be advised our office has completed a traffic study at the intersection of Ardmore Ave. and Sandpoint Rd. The study revealed that a combination of vehicular volume, pedestrian volume (generated by Elmhurst High School) and speed contributed to the warrants for a multi-way stop at the intersection.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION **(EMERGENCY)**

Ardmore Ave. - stop - for Sandpoint Rd. (west approach only)

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

1-4-96

REGULATORY RESOLUTION NO. 02/96/E

(Adopted 01/04/96)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION	(EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 12/18/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 01/04/96, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION		(EMERGENCY)
Evans Street	-stop-	for Queen Street

02-20/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/47/95 SHEET 1 OF 1 DATE December 18, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **STOP INTERSECTION**

Please be advised our office has reviewed the intersection of Evans St. and Queen St. regarding control. A combination of traffic volume and geometric design satisfies minimum warrants for stop control.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION **(EMERGENCY)**

Evans St. - stop - for Queen St.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineering

1-4-96